

1 APPEARANCES:

2 On behalf of Rainbow Broadcasting Company,
3 Inc.:

4 ALLAN G. MOSKOWITZ, ESQUIRE
5 BRUCE A. EISEN, ESQUIRE
6 Kaye, Scholer, Fierman, Hays & Handler
7 901 15th Street, N.W.
8 Washington, D.C. 20005
9 (202) 682-3500

10 On behalf of Rainbow Broadcasting, Ltd.:

11 MARGOT POLIVY, ESQUIRE
12 Renouf & Polivy
13 1532 16th Street, N.W.
14 Washington, D.C. 20036
15 (202) 265-1807

16 On behalf of Press Broadcasting Company, Inc.:

17 HARRY F. COLE, ESQUIRE
18 Bechtel & Cole, Chartered
19 1901 L Street, N.W., Suite 250
20 Washington, D.C. 20036
21 (202) 833-4190

22 On behalf of FCC:

STEWART A. BLOCK, ESQUIRE
DAVID SILBERMAN, ESQUIRE
Federal Communications Commission
Office of General Counsel
1919 M Street, N.W., Suite 602
Washington, D.C. 20554
(202) 418-1740

1 On behalf of Witness:

2 CHARLES DZIEDZIC, ESQUIRE
3 Federal Communications Commission
4 1919 M Street, N.W., Room 712
5 Washington, D.C. 20554
6 (202) 418-1604

7 ALSO PRESENT: Mr. Joseph Rey

8 * * * * *

9
10
11
12
13
14
15
16
17
18
19
20
21
22

C O N T E N T S

EXAMINATION BY: PAGE

Counel for Press Broadcasting 5

Counsel for Rainbow Broadcasting, Ltd. 15

Counsel for Rainbow Broadcasting
Company, Inc. 17

FURTHER EXAMINATION BY:

Counsel for Press Broadcasting 18

KREISMAN DEPOSITION EXHIBITS:

No. 1 - Handwritten records of 20
Renouf & Polivy

* * * * *

P R O C E E D I N G S

Whereupon,

BARBARA KREISMAN

was called as a witness and, having been first
duly sworn, was examined and testified as
follows:

EXAMINATION BY COUNSEL FOR PRESS

BROADCASTING COMPANY

BY MR. COLE:

Q Good morning, Miss Kreisman. Could
you state your name and work address for the
record, please.

A Barbara A. Kreisman. 1919 M Street,
Northwest, Washington, D.C., Room 702.

Q Thank you.

Miss Kreisman, we're here today in
connection with the Rainbow Broadcasting
Company proceeding. My name is Harry Cole. I
think you and I know each other, but I'll say
that for the record just to be safe, and I
represent Press Broadcasting Company. If there
comes a time during the deposition that you

1 have any questions or you need clarification of
2 any of the questions presented to you, please
3 feel free to stop and ask either the person
4 questioning you or your counsel, and we'd be
5 happy to make sure that any questions are
6 clarified for your benefit.

7 A Thank you very much.

8 Q You're welcome. Miss Kreisman, what
9 is your current position?

10 A I'm chief of the video services
11 division. That's in the mass media bureau.

12 Q Of the Federal Communications
13 Commission?

14 A That's correct.

15 Q How long have you been in that
16 position?

17 A I've been in this position since, I
18 believe, December 1989.

19 Q And how long have you been at the FCC
20 in all?

21 A I started in the FCC in 1972.

22 Q Are you an attorney by training?

1 A Or 1973, actually. Sorry.

2 Q Are you an attorney by training?

3 A Yes, I am.

4 Q Now, the hearing in connection with
5 which we're conducting this deposition includes
6 in its caption three applications filed by
7 Rainbow Broadcasting Company, and for shorthand
8 purposes, I'll refer to Rainbow Broadcasting
9 Company as RBC.

10 Those applications include two
11 applications for extension of RBC's
12 construction permit for Channel 65 in Orlando
13 and one application for consent to the
14 assignment of that permit.

15 Are you generally familiar with those
16 applications?

17 A Generally familiar.

18 Q During the period of time January
19 1991, when the first of those applications was
20 filed, through July of 1993, did you have any
21 oral communications with anyone acting on
22 behalf of Rainbow Broadcasting Company, RBC,

1 with respect to any RBC application which was
2 pending before the mass media bureau at the
3 time of the communication?

4 A Yes.

5 Q How many such communications did you
6 have?

7 A I do not remember.

8 Q Miss Kreisman, in the discovery phase
9 of this proceeding, Press Broadcasting
10 requested of Rainbow Broadcasting Company the
11 production of documents of the law firm of
12 Renouf & Polivy reflecting contacts between
13 representatives of that firm and members of the
14 Commission's staff.

15 I'm going to show you now a document
16 which was produced by RBC. Hold on.

17 A Sorry.

18 Q I'll give you the stapled copy. In
19 connection with that -- and I will pass the
20 right copies to counsel all around the table.

21 And I ask you just to review that and
22 I'll ask if that refreshes your recollection

1 about the number of contacts or communications
2 in which you were involved relating to RBC
3 applications.

4 A The document appears to say that in
5 July of 1993, there is a contact with me on
6 July 30 and July 29 and July 20. Correct?

7 Q All right.

8 A That's my reading of it.

9 Q That appears to be the case, but I
10 didn't create the document. It was provided to
11 me, and I'm just seeing if this refreshes your
12 recollection in any way.

13 A It does not refresh my recollection,
14 but it certainly looks reasonable that during
15 that time period, there could have been those
16 contacts.

17 Q Do you recall whether the oral
18 communications that you have just mentioned
19 were by telephone or in person?

20 A With respect to Miss Polivy, I
21 remember there were some telephone calls. I
22 only remember one in-person meeting, and that

1 was the meeting of July 1.

2 Q So you specifically recall the July 1
3 meeting and then some telephone calls.

4 A Correct.

5 Q With respect to the July 1 meeting --
6 let's start there, because that's the one that
7 you specifically referenced.

8 Where was that meeting held?

9 A In Roy Stewart's office.

10 Q And did you yourself make the
11 arrangements for the meeting?

12 A No, I did not.

13 Q Who participated in that meeting on
14 behalf of RBC?

15 A Miss Polivy was there as counsel, and
16 her client was there -- I forgot his name--.
17 And that's all who I remember with respect to
18 the outside counsel or outside people.

19 Q Do you recall whether Miss Polivy's
20 client's name was Joseph Rey?

21 A It could have been. I just have no
22 specific recollection.

1 Q Now, at any time during the July 1,
2 1993, meeting, did Miss Polivy or Mr. Rey say
3 anything about the Commission's ex parte rules?

4 A No.

5 Q At any time during the July 1
6 meeting, did Miss Polivy or Mr. Rey say
7 anything about the applicability of the ex
8 parte rules to the meeting that was taking
9 place?

10 A No.

11 Q At any time during the July 1
12 meeting, did Mr. Rey or Miss Polivy say
13 anything which you understood to relate in any
14 way to the Commission's ex parte rules or to
15 the applicability of those rules to the
16 meeting?

17 A No.

18 Q At any time during the July 1
19 meeting, did you say anything to Miss Polivy or
20 Mr. Rey about the Commission's ex parte rules?

21 A No.

22 Q At any time during the July 1

1 meeting, did you say anything to Miss Polivy or
2 Mr. Rey about the applicability of the ex parte
3 rules to the meeting that was taking place?

4 A No.

5 Q Let's go back to the telephone calls,
6 the conversations you had with Miss Polivy.

7 Did you place those calls, or were
8 they incoming to you?

9 A My recollection is that they were all
10 incoming to me. If I had placed any, it would
11 have been in response -- a return call. I
12 don't have a recollection whether I was -- I
13 returned any calls or not.

14 Q And the only other person involved in
15 those conversations was Miss Polivy?

16 A That's correct.

17 Q And do you recall approximately how
18 many phone calls there were?

19 A I remember a couple. I don't
20 remember -- I would say less than four.

21 Q Were these before or after the July 1
22 meeting? If you recall?

1 A I don't really remember for sure when
2 they were -- sometime while the matter was
3 pending. They could have very well been after
4 the meeting. They could have just as well been
5 before.

6 Q At any time during any of those
7 telephone conversations with Miss Polivy, did
8 she say anything about the Commission's ex
9 parte rules to you?

10 A No.

11 Q At any time during any of those
12 conversations with Miss Polivy, did she say
13 anything about the applicability of the ex
14 parte rules to the conversation?

15 A No.

16 Q At any time during the conversations,
17 any of the conversations with Miss Polivy, did
18 she say anything which you understood to relate
19 in any way to the Commission's ex parte rules
20 or their applicability to the conversation you
21 were having?

22 A No.

1 Q At any time during any of the
2 conversations with Miss Polivy, did you say
3 anything to her about the Commission's ex parte
4 rules?

5 A No.

6 Q At any time during any of the
7 conversations with Miss Polivy, did you say
8 anything to her about the applicability of the
9 ex parte rules to the conversation you were
10 having?

11 A No.

12 Q Miss Kreisman, would it be accurate
13 to state that at no time, in any oral
14 communication between you and anyone acting on
15 behalf of RBC, did either you or the person or
16 persons with whom you were communicating say
17 anything about the ex parte rules?

18 A That is a correct statement.

19 Q Would it also be accurate to state
20 that, at no time in any oral communication
21 between you and anyone acting on behalf of RBC,
22 did either you or that person or persons say

1 anything about the applicability of the ex
2 parte rules to the communication which was
3 taking place?

4 A That's correct.

5 Q And is it also accurate to state that
6 at no time, in any communication between you
7 and anyone acting on behalf of RBC, did the
8 person or persons with whom you were
9 communicating say anything which you understood
10 to relate in any way to the ex parte rules or
11 the applicability of the ex parte rules to the
12 communication that was taking place?

13 A That's correct.

14 MR. COLE: I have no further
15 questions.

16 EXAMINATION BY COUNSEL FOR RAINBOW

17 BROADCASTING, LIMITED

18 BY MS. POLIVY:

19 Q I guess I'm next. My name is Margot
20 Polivy, and I won't keep you very long.

21 I would like to ask you if you would
22 take a look at the deposition exhibit that you

1 have been given and tell me if you see any
2 contacts with you prior to the July 1 meeting.

3 A Prior to the July 1 meeting?

4 Q Yes.

5 A No, I see no contacts with me prior
6 to the July 1 meeting.

7 Q And do you recall any of your own
8 recollection?

9 A No, I don't. I have no reason to
10 dispute the accuracy of your records.

11 Q My next question is that, with
12 respect to the contacts that are shown
13 subsequent to the July 1 meeting, would you
14 characterize those as status calls or something
15 other than status calls?

16 A I would characterize them as status
17 calls. I don't know what the one quarter means
18 here on the records, but I -- I don't remember
19 them as being more than a few minutes or a
20 minute call.

21 Q Okay. At any time -- I know Mr. Cole
22 has asked you, perhaps, partially this, but at

1 any time do you recall ever having a
2 conversation with Rainbow or its counsel on the
3 subject of ex parte?

4 A No, I remember no such conversation.

5 MS. POLIVY: I have no further
6 questions.

7 EXAMINATION BY COUNSEL FOR RAINBOW
8 BROADCASTING COMPANY, INC.

9 BY MR. MOSKOWITZ:

10 Q Good morning, Miss Kreisman.

11 A Hi.

12 Q Hi. I'm Allan Moskowitz. I'd like
13 to ask you about the July 1 meeting that you
14 attended in Mr. Stewart's office, I believe
15 with Miss Polivy and her client.

16 At any time during that meeting was
17 the fact that Rainbow's applications were
18 contested -- did that fact arise? Was that
19 discussed?

20 A I don't have any specific
21 recollection that that was discussed. My
22 inclination is to say no.

1 MR. MOSKOWITZ: Thank you very much.
2 I have no further questions.

3 MR. BLOCK: Good morning. My name is
4 Stuart Block from the separate trial staff, and
5 with me is David Silverman. I think all the
6 questions that are appropriate to this
7 deposition have been asked, so I'm not going to
8 ask you any more.

9 MR. DZIEDZIC: Thank you very much,
10 Mr. Block.

11 May the witness be excused?

12 FURTHER EXAMINATION BY COUNSEL FOR
13 PRESS BROADCASTING COMPANY

14 BY MR. COLE:

15 Q I have one follow-up question on Miss
16 Polivy.

17 Miss Kreisman, you stated, I recall,
18 in response to Miss Polivy's question that the
19 communications reflected in this document.

20 And, by the way, we should have this document
21 marked as an exhibit, since we've --

22 MS. POLIVY: Oh. I'm sorry. You

1 didn't?

2 MR. COLE: No, I didn't have it
3 marked because I wasn't sure we were going to
4 use it, but I will have that done in a moment.

5 BY MR. COLE:

6 Q But you stated that the conversations
7 were status calls, to the best of your
8 recollection?

9 A Right.

10 Q Was that testimony intended to
11 include the July 1 meeting as well as the
12 status call?

13 A You were talking about telephone
14 calls, I thought. She wasn't talk talking the
15 about July meeting.

16 Q Okay. That's fine. That's all I
17 need.

18 MR. COLE: And I have no further
19 questions. But while you're still here, Mr.
20 Reporter, I would like to have marked for
21 identification, as Kreisman Deposition Exhibit
22 No. 1, a document which is seven pages in

1 length and appears to be a series of
2 handwritten ledger sheet entries with dates
3 running down the left-hand side in a column.
4 And then there are entries put in next to the
5 dates toward the center of the page.

6 Could you mark that as Deposition
7 Exhibit No. 1. And I have no further
8 questions.

9 MR. DZIEDZIC: We'll read.

10 (Kreisman Deposition Exhibit No.
11 1 was marked for
12 identification.)

13 (Whereupon, at 9:21 a.m., the
14 deposition of BARBARA KREISMAN
15 was adjourned.)

16 * * * * *

17
18
19
20
21
22

1 CERTIFICATE OF NOTARY PUBLIC

2 DISTRICT OF COLUMBIA

3
4 I, Thomas R. Brezina, the officer before whom
5 the foregoing deposition was taken, do hereby certify
6 that the witness whose testimony appears in the
7 foregoing pages was duly sworn; that the foregoing
8 transcript is a true and accurate record of the
9 testimony given by said witness.

10 I further certify that I am not related to
11 the witness or counsel; that I have no interest in
12 the outcome of this case.

13 Given under my hand this 23 day of May
14 1996.

15 
16

17 NOTARY PUBLIC

18
19 My Commission Expires:
20 October 14, 1998
21
22

Paul Gordon 1/2, Pendergast 1/2

EXHIBIT

①
Kerzman 5/22/60

Ex. 1

Room 8, Pease
154 WHITE
0154 GREEN
1154 RUFF

1973

Paul Gordon 1/4

" 1/2

" 1/4, Perkins 1/2

Paul Gordon 1/2

Tonic 1/4 + 1/4 + 1/4
Tonic 1/4 + 1/4
Perkins 1/4 + 1/4, Stewart 1/4

Heat Joe Stewart 1/4

Bkvenson 1/4
Paul Gordon 1/4 + 1/4

Stewart 1/4

Klauson 1/4 + 1/4

2013

Aug 12

Jim Brown $1/2 \times 1/4$, $1/2 \times 1/2$

30
31

Bob Anderson $1/4 \times 1/4$

1921-1925 Bob Anderson $1/2 \times 1/2$

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

[illegible]

Oct 12

MacArthur 10/14, Sta-Pad 1/2.

1993
Dec

1994
Jan

25

Redy Boxer relling

Tout Komanar

28

26

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28